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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,923	11/04/2003	Hiroki Fukuda	00862.023318	3880

5514 7590 02/28/2008  
FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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WILLS, LAWRENCE E

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,923	FUKUDA, HIROKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lawrence E. Wills	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/30/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-19, 21, 22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-19, 21, 22, 25, and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓        | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-12, 14-19, 21, 22, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.
2. The rejection of claims 25 and 26 under USC 101 have been withdrawn based on applicants amendment.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12, 14-19, 21, 22, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Minari (US Patent No. 6,809,831)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 21, and 25, Minari'831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job information on a job issued to an image forming apparatus from an information processing client (number 1701, Fig. 17) connected to a network (number 1705, Fig. 17), comprising: an acquisition unit (number 402, Fig. 4,) configured to acquire means for acquiring the job information from the information processing client or the image forming apparatus (print job receiver receives a print job object from host computer, column 3, lines 66-67); a determination unit (number 403, Fig. 4) configured to determine whether to record the job information acquired by said acquisition unit, in accordance with a driver (number 204, Fig. 2) which generates data of the issued job, (print job executor analyzes and processes the print job column 4, lines 1-5); and a recording/accumulation unit configured to record or accumulate the job information determined by said determination unit to be recorded or accumulated (print job accumulator, number 407, Fig. 4, column 4, line 12) wherein, in the recording/accumulation unit, job information determined by the determination unit to be accumulated is extracted and accumulated from pieces of acquired job information, and grasp of the number of output pages or charging of an output job is performed (notice the column which reads "Pages Printed", in Fig. 13).

Regarding claims 2, 22, and 26, Minari'831 teaches an information processing server (number 1704, Fig. 17, column 9, lines 38-39) which records or accumulates job information on a job issued to an image forming apparatus from an information processing client (number 1701, Fig. 17) connected to a network (number 1705, Fig. 17), comprising: an acquisition unit (number 402, Fig. 4,) configured to acquire means for acquiring the job information from the information

processing client or the image forming apparatus (print job receiver receives a print job object from host computer, column 3, lines 66-67); a determination unit (number 403, Fig. 4) configured to determine whether to record the job information acquired by said acquisition unit, in accordance with an output destination of a job corresponding to the job information (S902, Fig. 9); and a recording/accumulation unit configured to record or accumulate the job information determined by said determination unit to be recorded or accumulated (print job accumulator, number 407, Fig. 4, column 4, line 12) wherein, in the recording/accumulation unit, job information determined by the determination unit to be accumulated is extracted and accumulated from pieces of acquired job information, and grasp of the number of output pages or charging of an output job is performed (notice the column which reads "Pages Printed", in Fig. 13).

Regarding claim 3, Minari'831 teaches wherein in the determination step, whether to record or accumulate the job information is determined in accordance with an image forming apparatus to which the job information has been issued (S902, Fig 9).

Regarding claim 4, Minari'831 teaches wherein in the determination step, the image forming apparatus to which the job information has been issued is specified in accordance with port information contained in the job information (S902, Fig. 9, and further, the URL address of the printer is contained in the job information, column 3, line 42).

Regarding claim 5, Minari'831 teaches wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the output destination of the job corresponding to the job information is the information processing apparatus or the image forming apparatus (S902, Fig. 9).

Regarding claim 6, Minari'831 teaches wherein in the determination step, a driver which has issued the job information (print job generator, number 204, Fig. 2, column 3, lines 24-25) is specified in accordance with driver information contained in the job information (print instruction program, column 4, lines 45-46).

Regarding claims 7 and 14, Minari'831 teaches wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the job information (print job attributes, number 601, column 4, lines 43-45) acquired in the acquisition step coincides with a condition contained in a non-recording target database prepared in advance (printer attribute section, number 408, Fig. 4, column 4, lines 11-15).

Regarding claims 8 and 15, Minari'831 teaches the non-recording target database contains non-recording port information not to be recorded or accumulated (column 4, lines 11-15)), and in the determination step, whether to record or accumulate the job information is determined on the basis of whether port information contained in the job information acquired in the acquisition step is the non-recording port information (S1002, Fig. 10).

Regarding claims 9 and 16, Minari'831 teaches the non-recording target database contains non-recording driver information not to be recorded or accumulated (column 4, lines 11-15), and in the determination step, whether to record or accumulate the job information is determined on the basis of whether driver information contained in the job information acquired in the acquisition step is the non-recording driver information (S1002, Fig. 10).

Regarding claims 10 and 17, Minari'831 teaches a registration step of registering (stores, column 4, line 13) in the non-recording target database a condition of job information not to be recorded or accumulated (column 4, lines 11-15).

Regarding claims 11 and 18, Minari'831 teaches wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the job information acquired in the acquisition step coincides with a condition contained in a recording database prepared in advance (S1002, Fig. 10).

Regarding claims 12 and 19, Minari'831 teaches wherein in the recording/accumulation step, the job information determined in the determination step to be recorded is recorded in a database in a searchable format (print job accumulator stores the print job object, column 4, lines 10-11).

### ***Conclusion***

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Art Unit: 2625

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence E. Wills whose telephone number is 571-270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEW  
February 21, 2008

A handwritten signature in black ink, appearing to read 'King Y. Poon', is written over a rectangular stamp.

KING Y. POON  
SUPERVISORY PATENT EXAMINER